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American Samoa

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I. Background information

1. American Samoa[1] is located in the South Pacific approximately 3,700 kilometres south-west of Hawaii and 4,350 kilometres north-east of Australia. It consists of seven islands (Tutuila, Aunuu, Ofu, Olosega, Tau, Swains and Rose) and several lesser islands belonging to the Samoan group. The total land area is 197 square kilometres, about 70 per cent of which is covered by dense forest. Tutuila, where Pago Pago, the capital, is located, is the largest island; it constitutes 70 per cent of the total land area and is home to 90 per cent of the population.

2. It is generally believed that the Samoan archipelago was settled some 3,000 years ago by people migrating into the Pacific from South-East Asia. The Dutch were the first Europeans to find these islands, in 1722. Some settlers came to the islands in the early 1800s, followed by missionaries in 1830. By the late 1800s, internal strife among the chiefs and struggles among the colonial Powers of Germany, Great Britain and the United States of America led to a period of instability. Deeds of cession of these islands to the United States were formally accepted by means of an Act of Congress on 20 February 1929. Pursuant to this Act, the native inhabitants were given the status of American nationals. The Act provided for an American Samoan Government with all civil, judicial and military powers to be vested in a designee of the President of the United States. As the American interest in the area had been mainly military, the Territory was placed under the jurisdiction of the United States Navy. In 1951, an executive order transferred authority over the Territory to the Department of the Interior.

3. According to the releases of the census conducted in 2000 and published in February 2002, provided by the administering Power, the population of American Samoa was 57,291, of which 51.1 per cent was male and 48.9 per cent was female. The annual population growth rate is 2.64 per cent. Since 1990, the population has increased by 22.5 per cent. Ethnically, the population breaks down into 91.6 per cent native Hawaiian and other Pacific Islanders (including 88.2 per cent Samoan and 2.8 per cent Tongan), 2.8 per cent Asian and 1.1 per cent Caucasian. Of the native population, 56.7 per cent were born in American Samoa, 6.3 per cent in the United States, and 36.1 per cent were foreign born. Some 90.6 per cent of the population 5 years of age and older speaks Samoan, which is closely related to Hawaiian and other Polynesian languages, and English; and 2.9 per cent speaks English only. The literacy rate is 97 per cent. The median age is 21.3 years. Life expectancy is 75.32 years, with male life expectancy at 70.89 years and female life expectancy at 80.02 years. The annual birth rate is 24.88 births per 1,000 population and the annual death rate 4.31 deaths per 1,000 population. The annual net migration rate is 3.58 migrants per 1,000 population.

II. Constitutional, legal and political issues

4. American Samoa is a Non-Self-Governing Territory under the administration of the United States of America. The Constitution adopted in 1960 was revised in 1967 and was subsequently amended in 1970 and 1977. Any amendments or modifications to the Constitution of American Samoa (as approved by the Secretary of the Interior) may be made only by an act of the United States Congress. In 1978, the people of American Samoa for the first time elected their own Governor. Since 1981, American Samoa has also elected, by direct vote, a non-voting delegate to the

United States House of Representatives, who can, however, vote in committees. The most recent election was held in November 2002 (see para. 8).

5. The new Governor of American Samoa, Togiola T. A. Tulafano, was sworn into office in April 2003 following the sudden death of the previous Governor.

6. As American Samoa is an unincorporated and unorganized Territory of the United States, not all provisions of the United States Constitution apply. Residents of American Samoa are not United States citizens. They cannot vote in the United States general election but are permitted to participate in presidential primaries and caucuses. They are United States nationals who can freely enter the United States and work or reside anywhere they choose. American Samoa has its own immigration laws, and entry into American Samoa by foreigners is not the same as entry into the United States (in contrast with Guam, where United States immigration laws apply).[2] With respect to citizenship, according to a resolution passed in 2002 by the House of Representatives of American Samoa, children born in the Territory to foreign parents become citizens of either the mother's or the father's country of origin, not United States nationals.[3]

7. In February 2003, the new Immigration Law of American Samoa came into force, changing eligibility requirements for permanent resident status in American Samoa in certain categories, and giving the Attorney General, instead of the government-appointed Board, full authority over granting eligibility. This change allows many individuals who reside in the Territory for a long period of time to acquire permanent resident status.[4]

8. The Constitution provides for separate executive and legislative branches and an independent judiciary. All American Samoans over 18 years of age are eligible to vote. The executive branch comprises a Governor and a Lieutenant-Governor elected for four-year terms by universal adult suffrage. The Governor is responsible for executing both American Samoan and United States laws and has veto power with respect to legislation passed by the Fono. The Fono is a bicameral legislature, which comprises an 18-member Senate whose members are chosen by 14 traditional tribal councils, and a 21-member House of Representatives, with the members elected by popular vote. Only *matais* (or chiefs) can become senators. Senators hold office for a four-year term, and representatives for a two-year term. The Fono may pass laws with respect to all local affairs, provided its laws are not inconsistent with United States laws in force in the Territory or with United States treaties or international agreements.

9. As was reported in the previous working paper (A/AC.109/2003/12, para. 8), the latest general election was held in the Territory in November 2002. At the same time, in the election for the United States Congress, none of the candidates reached the required 50 per cent plus one vote in the first round. Later in November, a run-off election took place and Eni F. H. Faleomavaega won his eighth consecutive two-year term.[5]

10. In 2003, Congressman Faleomavaega proposed a change of the federal legislation that would introduce a plurality vote instead of a majority vote in elections in the Territory. Under the current system, a candidate can be elected if he or she obtains a majority of more than 50 per cent of the votes. Should no candidate pass this threshold, a run-off election is to be held two weeks later. The supporters of the proposed change maintain that due to the time constraints, a run-off election

would exclude absentee voters, such as those in military service. Under the proposed plurality voting system, a candidate who receives the most votes would be considered elected. The opponents of the proposal maintain that under such a system an elected Governor, Lieutenant-Governor and Congressman, might represent a minority of voters.

11. The discussion of the proposed federal legislation on elections in the Territory once again brought to light the question of whether federal laws are applicable to the Territory and whether decisions affecting the Territory can be taken at the federal level. Several territorial Senators who opposed the bill considered it essential to have input from the local leaders to any proposed legislation or even argued that the Territory should adopt its own voting laws. A letter to this effect was sent to the United States Congress. Another proposal was to work with local leaders to establish primaries and legalize the party system.[6]

12. The main business of the Government is the management and distribution of federal income and capital subsidies. The traditional communal system provides the basis for a strong Government whereby leaders are responsible not only for preserving the social order but also for the economic welfare of the extended family. The federal Government underwrites most of the cost of preserving this system. This affiliation allows the United States to have access to and use of the Territory for defence and other purposes. The number of employees in the Government reached almost 30.9 per cent of the entire employed civilian population 18 years and older.[7] The Government also manages power, water and sewer systems through the American Samoa Power Authority.

13. The judiciary system consists of the High Court, with the Chief Justice and the Associate Justices appointed by the Secretary of the Interior, and the local District and Village Courts, with the judges appointed by the Governor. The current Chief Justice is the first native Samoan to be appointed to the position. The High Court is divided into Appellate, Trial and Land and Titles. Since American Samoa is not part of a United States federal judicial district or circuit, there are no statutory provisions for appealing decisions of the High Court. American Samoa laws are textually identical to United States laws ("mirror laws"), where all references to the United States are substituted by references to American Samoa.

14. As was reported in previous years (A/AC.109/2002/12, para. 10; A/AC.109/2003/12, paras. 11-14), the question of applicability of the United States federal jurisdiction in the Territory has been widely discussed at the local and federal levels in connection with the Daewoosa Samoa garment factory and medical insurance fraud cases (see below, paras. 40 and 52-55). Discussions have also been held in connection with the changes in the federal Child Tax Credit law, which demanded that the tax return claims for dependent children be partially paid by the territorial Government. In his first State of the Territory address, the new Governor reported that of the 2003 fiscal year surplus of $2.7 million, the Government had to allocate $1.3 million to pay out the federal Child Tax Credit, as ordered by the High Court decision. He reminded the lawmakers that his predecessor had submitted legislation to the Fono that would delete child tax from local tax law, but that it had been rejected. He also announced that he was planning to resubmit similar legislation in 2004.[8]

III. Budget

15. The territorial budget consists mainly of federal grants-in-aid, the annual federal allocations through the Department of the Interior and locally generated revenue. In recent years, the Government experienced revolving financial difficulties (see A/AC.109/2002/12, para. 11, A/AC.109/2003/12, paras. 15-17), which were partially alleviated by the money received by the American Samoa Government as part of the Federal Tobacco Industry class-action lawsuit settlement, as well as through the efforts to streamline the work of the government offices.

16. According to press reports, in March 2003, preliminary figures indicated that there had been a $21 million surplus on the balance of payments in 2002. As was mentioned earlier, the actual surplus for 2003 totalled $2.7 million. According to the new Governor of American Samoa, measures undertaken during the past eight years by his predecessor and continued by him to improve the Government's financial status through fiscal reform have paid off. The positive results have been achieved mainly by joint efforts of both the legislative and executive branches of the Government. For the second consecutive fiscal year, the Government was in the black and at the close of 2003 had an excess of $1.4 million. The increase in revenue was attributed to the collection of corporate and individual taxes, indirect costs and fees. The custom collections raised $23 million, which, according to the Governor, could have been more, as at present only 47 per cent of the containers that come to the Territory were checked and assessed duly. The number of government employees was reduced from 5,000 in 1997 to 4,300 although the 2003 budget had provisions for 5,500 positions.

17. The Government's fiscal year 2004 budget[o] of $232.6 million is up $10.4 million from the previous year. The current budget includes $33.3 million in subsidies from the Department of the Interior, $68 million in federal grants, local revenue will provide $58.5 million and the local Enterprise Fund will make up $72.6 million. The projected local revenue for 2004 remains at the level of the previous year. According to the Governor, the budget figures reflect the continuation of the fiscal policy instituted by his administration, which aims to restore fiscal integrity and limit spending to identified and budgeted revenues.[10]

18. In January 2004, the Government discussed and endorsed preliminary budgets for 2005 and 2006. The total estimated budget for 2005 stands at $232.02 million. The details will be submitted to the Fono in July 2004.[11]

IV. Economy

A. General

19. Economic activity in general is strongly linked to the United States. About 93 per cent of American Samoa's economy is based on United States federal expenditures and the canning industry, while the remaining 7 per cent stems from a small tourism industry and a few businesses that sell exclusively to the local market. Prospects for agricultural development are limited owing to the small amount of land suitable for cultivation. The largest trading partner of American Samoa is the United States, followed by New Zealand, Australia and Fiji. Imports are mainly food

and petroleum products, machine parts, building materials, textiles and clothing. Canned tuna accounts for 97 per cent of exports.

20. Tuna fishing and tuna processing plants are the backbone of the private sector, with canned tuna as the primary export, meeting 20 per cent of the United States market. This sector employs a third of the people. The Government employs another third. Attempts by the Government to develop a larger and broader economy are constrained by American Samoa's remote location, limited transportation and devastating hurricanes, as well as competition from neighbouring islands with lower wage levels and from larger, more efficient businesses in the United States.

21. According to the new Governor, the Territory's economy in 2003 was healthy, with exports exceeding imports, preventing a trade deficit, thanks mainly to the tuna industry. Imports totalled $324.7 million versus exports of $495.5 million, creating a surplus of $134.8 million. He also noted that 394 new businesses and 800 new jobs were added to the local economy. At the same time, the cost of living continued to climb, increasing by 5 per cent compared to the previous year. The increase is mainly attributed to food and petroleum prices, which are beyond local control.

22. In order to support a healthy financial state, according to the Governor, it is necessary to continue efforts at economic diversification with steps towards e-commerce, processing industry, import substitution and export earning initiatives, ecotourism, and air and surface transportation improvement. The Governor approved two courses in e-commerce to be introduced in the American Samoa Community College.[12]

23. In order to stimulate economic development, the United States Department of the Interior organized the Insular Affairs Summit in September 2003, as the first Investment Development Conference for the United States Territories. The participants in the Conference included top officials from the Territories, the Federal Government, international financial institutions, and potential local business partners. Addressing the summit, the United States Secretary of the Interior referred to American Samoa as the only United States Territory south of the equator, home to the largest tuna canning operations in the world, namely StarKist and Chicken of the Sea, as well as one of the best natural harbours in the Pacific. She also noted that American Samoa is known for its strong cultural traditions that continue to govern everyday life.[13]

B. Agriculture and fisheries

24. Agriculture, hunting, forestry and fishing employ less than 3 per cent of the population and provide little surplus for export. The most important crops include taro, coconuts, bananas, oranges, papayas, breadfruit and yams. According to the Department of Agriculture, at present the Territory covers 95 per cent of its food needs through imports.

25. The fishing industry constitutes 90 per cent of the Territory's economy and employs one third of its workforce. American Samoa's tuna processing industry is the fourth largest in the world. The industry is an important source of government revenue, with corporate taxes from the StarKist facility alone totalling $3 million in 2003. As was reported previously (A/AC.109/2003/12, para. 24), the Government had expressed concern about the Andean Trade Preference Act, which could have a

strong negative effect on the tuna industry of American Samoa. During the reporting period, the Government and the American Samoa delegate to the House of Representatives, continued to lobby for the protection of the Territory's tuna industry through a variety of measures that include the extension of tax credits, grants and other incentives. At the same time, in March 2003, the Senate approved a bill to levy a 20 per cent tax on foreign tuna meat sold to the Territory's canneries, prompting criticism from cannery interests.[14]

C. Tourism

26. Despite the Government's efforts to encourage tourism, the industry remains small. American Samoa has little tourist infrastructure, with only one hotel (80 per cent government-owned) and a total of 260 hotel/motel rooms in Tutuila and Mau'a and a number of small hotels.

27. The official web site of the Office of Tourism notes that American Samoa is in the initial stages of tourism development. The main attraction is the sand, sun and coral seas. There is also hiking and fishing.

28. Around Christmas time international cruise ships stopped in the Territory. During the 2003/2004 New Year season five such stops, including the Queen Elizabeth, visited the Territory. The ships were met by the usual local activities of entertainment by dance groups and the local handicraft market.[15]

29. During 2003, a controversy surrounding taxi fares and the overcharging of tourists received attention in the press. In answering the complaints of customers, who are mainly tourists, the drivers pointed out that the taxi fare had not been adjusted for the preceding 12 years.

D. Transport and communications

30. There are approximately 150 kilometres of paved roads and 200 kilometres of secondary roads in American Samoa. The highway system is generally in poor shape owing to the effect of hurricanes, the age of the roads and inadequate maintenance.

31. Pago Pago harbour is an all-weather deep-draught harbour. The main dock is 1,000 feet long, handling ships of up to a 32-foot draught. Pago Pago harbour provides the full complement of equipment and facilities and has a ship repair facility with a 3,000-ton marine railway.

32. There are four airports in the Territory, situated on the islands of Tutuila, Ofu, Olosega, and Ta'u. Pago Pago International Airport is owned and operated by the territorial Government. It is regularly served by a number of airlines that link American Samoa with Hawaii and the United States mainland and other countries in the South Pacific. Hawaiian Air provides direct air service from Pago Pago to Honolulu. Polynesian Airlines, Air New Zealand and Air Pacific provide regional air service to New Zealand, Australia, Fiji, Vanuatu, Tonga, New Caledonia, Tahiti and the Cook Islands. The national airline, Samoa Air, flies to Tonga and other destinations and is available for charter. Domestically, Samoa Air flies regularly to Ofu, Olosega, and Ta'u Islands, and makes several flights a day to Samoa. American Samoans travel very frequently by air.

33. In 2003 the airline industry received further additions with Aloha Airlines entering the Honolulu-Pago Pago market, and four airlines — including two from Honolulu — interested in operating domestic flights. By the end of 2003, in an attempt to win a larger market share, Aloha Airlines also offered discount programmes for trans-Atlantic and inter-island flights.[16]

34. Addressing the Interagency Group during the Insular Affairs Summit in September 2003, the Governor of American Samoa referred to the hardships imposed upon the Territory by air cabotage rules, which restricted the ability of foreign airlines to serve the Territory. He asked for a limited exemption to the cabotage rule for American Samoa because this isolated Territory was heavily dependent on air travel.[17]

35. American Samoa, through the overseas communications satellite corporate link, has direct telephone dialling to most countries. There is a choice of mobile telephone service providers. Internet service to the World Wide Web is provided by the territorial Government's Office of Communications. The Territory has four radio stations and a government-owned television station; two privately owned newspapers, a government-owned TeleCommunications Authority and the privately owned Blue Sky Communications.[18]

E. Water, sanitation system and utilities

36. The American Samoa Power Authority (ASPA), which is government-owned, provides water, waste-water, solid-waste, and electric services to customers on five of the seven islands. ASPA provides safe drinking water to 90 per cent of the Territory from 57 wells, with the remaining part being serviced by outer-village systems. It is responsible for restoring, maintaining and protecting the water supply during natural and man-made breakdowns. The daily capacity of the water system is 8 million gallons per day from high-quality groundwater and surface sources, half of which is consumed by the food processing industry. According to the Government, the drought that struck the Territory two years ago prompted measures to improve the infrastructure and to better maintain the existing facilities. Efforts at improving infrastructure and training additional personnel are being continued.[19]

V. Social conditions

A. Labour

37. The Territory is characterized by low per capita income and a significant unemployment rate. The total labour force of American Samoa consists of 17,664 workers. About one third of the labour force consists of aliens, mostly from Samoa. The largest employer, with approximately 4,282 employees, is the American Samoa Government. The Territory's per capita income is $4,357 and the unemployment rate is 12 per cent.

38. American Samoa is one of the two United States Territories in which employers are allowed to pay workers less than the mainland minimum wage to ensure compatibility with the prevailing cost of living. Wages in the Territory are set not by federal law but by recommendation of a special United States Department of

Labor committee that reviews economic conditions every two years and establishes minimum wages by industry under the Fair Labor Standards Act. As of October 2002, the wages are as follows: government employees at $2.77; fisheries at $3.26; and shipping and transportation at $4.09.

39. As was reported in the previous working papers (A/AC.109/2002/12, para. 30; A/AC.109/2003/12, paras. 38-40), the Government sponsored an attempt to launch a garment manufacturing sector involving foreign workers. The mistreatment of the workers by the factory management led to a class-action suit and the case against the owner of Daewoosa garment factory.

40. In March 2003, the Honolulu federal jury issued its verdict on the Daewoosa case. The defendants were found guilty and were expected to be sentenced in July 2003.[20] However, by the end of 2003, the three-year-old Daewoosa case had not yet seen its conclusion. Two people in the case received prison sentences of four years and three months, and five years and ten months, and two former managers were acquitted. At the same time, the sentencing of the former owner of the factory who was found guilty of 11 counts of involuntary servitude, as well as conspiracy, extortion, and money-laundering, was further delayed until the spring of 2004. The defence still maintains that federal law provides for the High Court of American Samoa to hear cases involving crimes within the Territory and that the Government had no right to bring the defendant to Hawaii.

41. As was reported previously, the applicability of federal jurisdiction to this case was questioned by the defence and some observers from the outset of the case (see para. 14 above, and A/AC.109/2003/12, paras. 38-40).[21]

B. Education

42. Education is compulsory between 6 and 18 years of age. The educational system in American Samoa is broadly based on the United States pattern. There are 30 public primary, 6 private and 160 village schools.

43. As was reported in the previous year (A/AC.109/2003/12, para. 42), American Samoa had the lowest average score in the National Assessment of Educational Progress administered nationwide by the federal Department of Education.

44. American Samoa Community College offers two-year degree courses in arts and sciences and programmes offering certificates of proficiency in vocational and clerical skills, business and nursing. San Diego State University offers bachelor and master's degree programmes in Tutuila, which enable the student to obtain an advanced college degree without moving off-island.

45. In 2003, the Territory received $18 million through the United States Department of Education and an additional $6 million from the Department of the Interior for Special Education Programmes. According to Congressman Faleomavaega, unlike in any other State, the federal Government provides 90 per cent of the cost of education for American Samoa children, which is $2,800 or more of federal aid on a per-student basis.[22]

C. Public health

46. Most social programmes in the Territory, including those related to public health, are funded by the federal Government. The main hospital in the Territory, the Lyndon Baines Johnson Tropical Medical Center, has 140 beds and a staff of 25 physicians. Medical, dental and pharmaceutical services are available 24 hours a day. For serious cases, off-island treatment, including hospitalization in Guam, Hawaii or the United States mainland, is provided. In 2002, the Medical Center sharply increased the fees for its services, including ambulance, hospital beds, wheelchairs, oxygen, etc. This move had been actively discussed in the local press and in public hearings. The hospital is partially funded through the subsidies of the Department of the Interior and the local government and used to provide services at minimum fees. However, according to the hospital authorities, the increase was needed to cover the operational costs, equipment, doctors' wages and inherited debts. The Medical Center received $82,000 for interior reparations and maintenance.[23]

47. During the reporting period, the Lyndon Baines Johnson Hospital financial situation continued to require attention. Medicare conducted an audit of the cost reports filed by the Lyndon Baines Johnson Tropical Medical Center for fiscal years 1999 to 2002, which revealed that there were considerable disallowed costs included in the billing that, according to the report, amounted to $2.3 million. As a result, Medicare sent a notice-of-payment recession of funds for the current year. With the forecasted revenue from Medicare for 2003 at $7.2 million, the immediate impact was the loss of revenue of approximately $3.1 million.

48. In August 2003, the hospital reported an outstanding debt of $6.9 million, which included $1.7 million in taxes owed the federal Internal Revenue Service, $700,000 to the Government Treasury Department, more than $350,000 to the American Samoa Power Authority and $2.1 million to an off-island medical supplier. In October 2003, the Governor requested and received the Fono's approval for $5 million to bail out the hospital from debt. Later in the year, the Governor announced plans to amend the composition of the hospital's Board of Directors, as well as to add the second storey to the existing building.[24]

49. In September 2003, the American Samoa Department of Health received more than $1.15 million from the United States Department of Health and Human Services to help prepare for response to terrorism and other public health emergencies such as disease outbreak surveillance and epidemiology, and biological lab capacity education and training.[25]

50. American Samoa was included in the Medicare Prescription Drug Improvement and Modernization Act 2003 passed at the end of the year. According to Congressman Faleomavaega, the new legislation creates voluntary prescription drug benefits for seniors and addresses the needs of the Territories in two ways. First, the new law will give access to discounts through the prescription drug card programmes to eligible individuals, and secondly, it will provide transitional assistance for low-income persons. The amount of money that American Samoa will receive will be determined by the number of eligible individuals residing in the Territory.

51. At the beginning of 2004, the United States Government Commission recognized that a community-based outpatient clinic was needed in American Samoa

to look after the thousands of Navy veterans living in the Territory. According to Congressman Faleomavaega, who presented the bill, more than 5,000 veterans live in American Samoa and over 1,000 are in the veteran's health-care programme. All of them, including seriously ill patients, have to travel 2,300 miles to the nearest facility in Hawaii to receive medical attention. In its final report to the Secretary of Veteran Affairs, the United States Government Commission recommended that a clinic be set up in Pago Pago as a matter of urgency.[26]

D. Crime

52. According to local press reports, the issues of accountability and transparency by the local Government in the use of funds, corruption or abuse of power have permanent presence in the political picture. In particular, on 1 May 2003 the fate of $30 million of insurance settlement money received by the Territory was questioned by some of the Fono representatives. With the Government claiming that $14 million went to legal fees, the whereabouts of the remaining $16 million was unclear.[27]

53. During the reporting period, allegations of corruption were made against government officials on several occasions. The Senate Select Investigative Committee was established in the Territory in July 2003 with the authority to review the illegal and corrupt practices being reported in various Departments of the Government. The Committee consisted of six members, initially approved by the Senate, and conducted its investigation for five months, during which two government department directors had to resign. Several Department of Education employees were suspended, in particular for involvement in the corruption scandal with the federally funded school lunch programme. At the same time, several months later the former director of the Department of Education was rehired as special assistant to the director of the Office of Territorial and International Criminal Intelligence and Drug Enforcement, which gave rise to a great deal of criticism.

54. In September 2003, the Senate ordered an official investigation of the contracts awarded by the Chief Procurement Officer and senior officials from the Department of Health and Human Services and the Department of Education.[28]

55. In December 2003, the Senate Select Investigative Committee informed the Governor of its intention to request federal assistance in the absence of local investigation into allegations of abuse and misuse of public funds by a number of government officials. The Chairman of the Committee expressed disappointment that the Attorney General and the Commissioner for Public Safety had not started the criminal investigation of individuals named by the Committee on the grounds of insufficient evidence. According to the Committee's Chairman, while his Committee's task was to expose fraud, it was the responsibility of the Attorney General or the Commissioner to conduct criminal investigations for evidence before prosecution could be initiated. The letter addressed to the Governor was copied to the federal offices, including the United States Attorney General and the Federal Bureau of Investigation.[29]

VI. Environment

56. According to the World Wildlife Fund, American Samoa contains 1 of the 10 most vulnerable forests in the world and only 0.2 per cent of the forest is protected. The Forest Service of the United States Department of Agriculture, in partnership with the territorial Government, has been implementing a number of programmes aimed at promoting the health and productivity of the Territory's forest lands. These programmes are focused on public education and tree planting, agroforestry, water resources, coastal stabilization, community beautification, late successional rainforest tree species, wood products, wildlife and conservation practices. To help mitigate the effects of human use, the American Samoa Coastal Management Program was established for the coastal zone, which includes all land (126 miles of coast) and sea within 3 miles of the shoreline.

57. As part of the ongoing Coastal Management Program, by the end of 2003, the coral reef survey study was under way in the Territory to assess the economic value of the reefs and other coastal habitats. The study, conducted by the United States Government, also aims at assessing the importance of the reefs and their fish resources to the traditional way of life of the population. By the dollar value on these resources, the study is intended to help the inhabitants of the Territory to have a better long-term perspective for preserving and using these valuable resources.[30]

VII. Relations with international organizations and entities

58. American Samoa is a member of several regional organizations, including the South Pacific Commission, the Pacific Basin Development Council, the Pacific Tuna Development Foundation, the Pacific Islands Association, the Asian-South Pacific Bureau of Adult Education, the Pacific Asia Travel Association, the South Pacific Regional Environment Programme and the Council of Pacific Arts. It also belongs to such United States organizations as the National and Western Governors' Conferences. The Government of American Samoa has signed memorandums of understanding with the Governments of Samoa and Tonga on mutual economic cooperation and has sent trade missions to a number of countries in the Pacific region.

59. American Samoa belongs to various regional bodies of the United Nations system, including the World Health Organization (WHO), the Regional Office for the Western Pacific and the WHO Pacific Regional Centre for the Promotion of Environmental Planning and Applied Studies. The Territory has been an associate member of the Economic and Social Commission for Asia and the Pacific since 1988.

60. In October 2002, American Samoa joined the South Pacific Applied Geoscience Commission. The Territory is reportedly seeking assistance from the Commission in the development of its water resources and advice on reducing the risk of natural disaster.[31]

VIII. Future status of the Territory

A. Position of the territorial Government

61. In a statement made in 1993, the Lieutenant-Governor of American Samoa indicated that American Samoa preferred to remain a Territory of the United States (see A/AC.109/1159, paras. 25-31). This position remains unchanged.

62. According to press reports, American Samoa Congressman Faleomavaega and Governor Tauese Sunia both favoured that the Territory be taken off the United Nations list of Non-Self-Governing Territories. However, they expressed different views on the process to achieve that goal. According to the Congressman, after public discussion, the American Samoans should be allowed to express their views in a referendum.[32] According to the Governor, American Samoa had made its position abundantly clear and there was no need to prolong the discussion but rather to move forward with the delisting process.[33]

B. Position of the administering Power

63. In a statement made to the General Assembly at its 72nd plenary meeting, on 9 December 2003 (A/58/PV.72), a representative of the United States said that the United States could not support the draft resolution (A/58/L.21) on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By adopting a narrow definition of decolonization, the draft resolution failed to take into account the complex reality of Non-Self-Governing Territories. For the United States, the very term "non-self-governing" seemed inappropriate for those who were able to establish their own constitution, elect their own public officers, have representation in Washington, D.C., and choose their own economic path.

64. The United States was fully supportive if countries chose independence and was proud to welcome them as equal and sovereign partners. For Territories that did not choose independence, however, the United States also supported the right of people in those Territories to a full measure of self-government, including the rights to integration and free association. The world encompassed a variety of people, places and political circumstances, and this richness did not allow for just one path. The United States believed that a single standard of decolonization should not be applied to every Territory and it called upon all Member States to respect the choices made by the residents of Non-Self-Governing Territories.

65. He said that the United States looked forward to a significant dialogue with the Special Committee of 24 in 2004, and that it was their hope that all parties would cooperate so that a reduction in the number of Non-Self-Governing Territories could be achieved.

C. Consideration by the United Nations

66. On 9 December 2003, the General Assembly adopted without a vote resolutions 58/108 A and B, section I of resolution 58/108 B being devoted specifically to American Samoa.

Notes

[1] The information contained in the present working paper has been derived from information transmitted by the administering Power under Article 73 *e* of the Charter of the United Nations, and from published and Internet sources.

[2] Bank of Hawaii, 1997 economic report: American Samoa.

[3] BBC Monitoring Asia Pacific, 27 September 2002.

[4] *Samoa News*, 4 February 2003.

[5] Ibid., 2 December 2002.

[6] Ibid., 27 August, 3 September, 6, 7, 9 October 2003, www.house.gov/faleomavaega.

[7] United States Census Bureau (www.census.gov/census2000/americansamoa.html), 28 January 2002.

[8] *Samoa News*, 22 January 2004.

[9] Covers period from 1 October 2003 to 30 September 2004.

[10] *Samoa News*, 1 October 2003, 22 January 2004.

[11] Ibid., 16, 29 January 2004.

[12] Ibid., 20, 21, 23 January 2004.

[13] www.doi.gov.

[14] *The Europa World Year Book*, "The Pacific Islands", p. 920.

[15] *Samoa News*, 16 January 2004.

[16] Ibid., 31 January 2004.

[17] www.doi.gov, 10 September 2003.

[18] www.pacificislands.cc.

[19] www.aspower.com.

[20] *Samoa News*, 28 February 2003.

[21] *The Honolulu Star-Bulletin*, 28 February 2003; http://starbulletin.com.

[22] www.house.gov/faleomavaega.

[23] www.asg-gov.com, 21 November 2002.

[24] *Samoa News*, 2 October 2003, 22 January 2004.

[25] www.house.gov/faleomavaega.

[26] www.house.gov.faleomavaega; www.portfocus.co.nz, 20 February 2004.

[27] *Samoa News*, 11 May 2003.

[28] *The Europa World Year Book*, "The Pacific Islands", p. 920.

[29] http://pidp.eastwestcenter.org/pireport/2003/December/12-08-12.htm; *Samoa News*, 13, 26 January 2004.

[30] www.portfocus.co.nz, 8 February 2004.

[31] BBC Monitoring Asia Pacific, 1 October 2002.

[32] *Samoa News*, 2 August 2002.

[33] Ibid., 5 August 2002.